LOCATION: MACOMB TOWNSHIP MEETING CHAMBERS

54111 BROUGHTON ROAD

MACOMB, MI 48042

PRESENT: JOHN D. BRENNAN, SUPERVISOR

MICHAEL D. KOEHS, CLERK MARIE MALBURG, TREASURER DINO F. BUCCI, JR, TRUSTEE JANET DUNN, TRUSTEE

ROGER KRZEMINSKI, TRUSTEE NANCY NEVERS, TRUSTEE

ABSENT: NONE

ALSO PRESENT: Lawrence Dloski, Legal Counsel

Jerome Schmeiser, Planning Consultant James VanTiflin, Engineering Consultant

(Additional attendance on file at the Clerk's Office)

Supervisor BRENNAN called the meeting to order at 7:00 p.m. and the Pledge of Allegiance was recited.

ROLL CALL

Clerk KOEHS called the roll and the Board of Trustees was present.

APPROVAL OF THE AGENDA

2. The agenda was reviewed and item 12 was deleted; items 15a and 19c, 19d and 19e were added.

MOTION by DUNN seconded by BUCCI to approve the agenda as amended.

MOTION carried.

3. Both bill runs were reviewed and there were no additions, deletions or corrections.

MOTION by NEVERS seconded by KRZEMINSKI to approve both bill runs as presented.

MOTION carried.

APPROVAL OF THE PREVIOUS MEETING MINUTES

4. The minutes of the previous meeting held on November 8, 2006 were reviewed and any additions, corrections or deletions were discussed and made.

MOTION by BUCCI seconded by DUNN to approve the minutes of the meeting of November 8, 2006 as presented.

MOTION carried.

5. Consent Agenda Items:

- A. Clerk's Department:
 - 1. Request for Wall Sign Bond Release; Bangkok Inn Thai Restaurant; Permanent Parcel No. 08-31-300-025.
 - 2. Request for Wall Sign Bond Release; Beach Bum Tanning; Permanent Parcel No. 08-32-100-022.
 - 3. Request for Site Bond Release; Comerica Square; @6 Mile and Romeo Plank Roads; Permanent Parcel No. 08-05-100-029
 - 4. **Request for Model Permit Bond Release**; Villa Rosa Subdivision #5, Lot 227; Princess Homes, Inc.
- B. Water/Sewer Dept.
 - 1. Easement Encroachment Agreement: Toni Spirovski and Keti Spirovski, husband and wife, 47613 Nautical Way, Macomb, MI, 48044, Lot 177, Beacon Square Subdivision # 2. Parcel No. 08-28-331-008.
- C. Human Resources
 - 1. Request for FMLA Leave of Absence.

MOTION by KRZEMINSKI seconded by NEVERS to approve the Consent Agenda as presented.

MOTION carried.

6. **Public Comments - None**

AUDITOR'S REPORT - Plante & Moran, July 1, 2005 to June 30, 2006 Audit

Mr. Mark Hurst and Ms. Lisa Vargo presented the Audit Report for fiscal year 2005-2006. They indicated that Macomb Township was in excellent financial condition.

PUBLIC HEARING

7. Request to Establish an Industrial Development District; Regency Commerce Center, Unit 26; Permanent Parcel No. 08-17-344-026

The Public Hearing was opened by Supervisor BRENNAN at 7:10 p.m. and the issue of the Industrial Development District was explained.

MOTION by KRZEMINSKI seconded by DUNN to close the public hearing at 7:13 p.m.

MOTION carried.

MOTION by KRZEMINSKI seconded by MALBURG to adopt the resolution creating the Industrial Development District for the Regency Commerce Center, Unit 26; Permanent Parcel No. 08-17-344-026.

AYES: KRZEMINSKI, DUNN, BUCCI, NEVERS, MALBURG, KOEHS and

BRENNAN

NAYS: None

ABSENT: None

MOTION carried, resolution declared adopted.

PLANNING

8. Final Plat; Golfview Estates Subdivision; Located on the east side of North Avenue approximately ½ mile north of 21 Mile Road; Legacy Estates, LLC, Petitioner; Permanent Parcel NO. 08-25-301-001

Mr. Jerome Schmeiser, Planning Consultant, reviewed this item and stated that this subdivision is ready to receive its Final Plat approval and further stated his recommendation of approval.

Mr. Craig Duckwicz, representing the petitioner, was also present to answer any questions which the Commission might have.

MOTION by DUNN seconded by BUCCI to approve the Final Plat for Golfview Estates Subdivision; Permanent Parcel NO. 08-25-301-001, and direct the Clerk to sign the Mylar.

MOTION carried.

9. Dand Division Variance; Manchester Woods Subdivision; Located on the east side of Fairchild Road, south of 22 Mile Road, Landtec Associates, LLC, Petitioner; Permanent Parcel No. 08-25-226-040.

Mr. Jerome Schmeiser, Planning Consultant, reviewed this item and stated that the issue was concerning the need for stub streets in this subdivision. He further stated his recommendation of approval of the variance to not require stub streets to the

east and north, but to deny the variance request for the elimination of stub streets to the west and south.

Mr. Craig Duckwicz, representing the petitioner, was also present to answer any questions which the Commission might have. He further stated that he agreed with the position of Mr. Schmeiser concerning the stub street issue.

MOTION by BUCCI seconded by KRZEMINSKI to approve the variance request to eliminate stub streets to the east and north of the parcel in question, and to deny the variance to eliminate the stub streets to the south and west, as recommended by the Planning Consultants.

MOTION carried.

10. **Use of Sales Trailer, Golfview Estates**; Located on the east side of North Avenue 1/4 mile north of 21 Mile Road, Permanent Parcel No. 08-25-301-001

Mr. Jerome Schmeiser, Planning Consultant, reviewed this item and stated that the site plan for this was approved by the Planning Commission and further stated his recommendation of approval for the use of the Sales Trailer.

Mr. Craig Duckwicz, representing the petitioner, was also present to answer any questions which the Commission might have.

MOTION by KRZEMINSKI seconded by MALBURG to approve the use of a Temporary Sales Trailer for Golfview Estates; Permanent Parcel No. 08-25-301-001 for one year.

MOTION carried.

11. Final Plat; Pine Valley Subdivision; Located on the east side of Luchtman Road about ¼ mile south of 26 Mile Road; Northern Macomb Development, Petitioner; Permanent Parcel No. 08-04-100-034.

Mr. Jerome Schmeiser, Planning Consultant, reviewed this item and stated that this subdivision is ready to receive its Final Plat approval and further stated his recommendation of approval.

Mr. Brian Hartzig, representing the petitioner, was also present to answer any questions which the Commission might have.

MOTION by DUNN seconded by NEVERS to approve the Final Plat of the Pine Valley Subdivision; Permanent Parcel No. 08-04-100-034, and direct the Clerk to sign the Mylar.

MOTION carried.

NEW BUSINESS

- 12. Requests from Macomb ISD, Utica Public Schools and Chippewa Valley Schools to collect the Summer Taxes. (This item was deleted from the agenda)
- 13. Request to Grant an eight foot Easement along the Thoel Drain; Macomb Corners Park Property.

This item was reviewed by the Township Engineer, Mr. James VanTiflin, who explained the need for granting the easement and stated his recommendation of approval.

MOTION by DUNN seconded by NEVERS to approve the granting of an eight foot Easement along the Thoel Drain at the Macomb Corners Park Property to the County Drain Office.

MOTION carried.

14. Proposed Amendment to the Single Waste Hauler Ordinance

Mr. Lawrence Dloski reviewed the proposed amendments regarding some definitions and the elimination of Site Condos from the required participants. He further stated his recommendation for approval.

MOTION by KRZEMINSKI seconded by BUCCI to approve the Amendment to the Single Waste Hauler Ordinance as follows:

TOWNSHIP OF MACOMB, MACOMB COUNTY, MICHIGAN AN ORDINANCE AMENDING CHAPTER 8 OF THE TOWNSHIP CODE OF ORDINANCES PERTAINING TO GARBAGE, TRASH AND REFUSE

Chapter 8 of the Township Code of Ordinances is amended to: delete the definition of Commercial Refuse, Construction Debris, Refuse, and delete and replace the definition of Hazardous Waste; add definitions for Building Refuse, Field Supervisor and Mixed Waste; revise the definition of Residential Dwelling Unit to exclude site condominiums; delete Solid Waste and replace with Mixed Waste, delete Yard Clippings and replace with Yard Waste, and provide for commencement of the Single Waste Hauler Program on April 1, 2007.

THE TOWNSHIP BOARD OF THE TOWNSHIP OF MACOMB, MACOMB COUNTY, MICHIGAN, ORDAINS:

SECTION 4. DEFINITIONS

For the purpose of construction and application of this Ordinance, the following definitions shall apply:

- A. "Brush" shall mean tree trimmings and shrubbery trimmings not exceeding one (1") inch in diameter.
- B. "Building Refuse" shall mean waste materials from the demolition, construction, remodeling and repair operations on residences, a small amount of which shall be accepted by the contractor as a normal amount of refuse from households if the quantity does not exceed forty (40) pounds in weights, or one (1) bushel in volume, or if any piece is not longer than four (4) feet in length. In greater quantity, it shall not be regarded as building refuse but as construction debris and shall be removed by a building or demolition company employed by a resident or by the residents themselves.
- D. "Designated Waste Hauler" means any person awarded a contract by the Township to engage in the business of collecting solid waste, recyclable materials, and yard waste from residential dwelling units within the Township and hauling, transporting or disposing of such materials.
- E. "Field Supervisor" shall mean an employee of the contractor to oversee the collection of waste in the field.
- E. "Garbage" shall mean rejected food wastes including waste accumulation of animal, fruit or vegetable matter used or intended for food or that attends the preparation, use, cooking, dealing in or storing of meat, fish, fowl, fruit or vegetable.
- F. "Hazardous and Flammable Materials" shall mean those materials which are explosive or which would be hazardous to the health, safety and welfare of any haulers or workers or to those employees in the operation of an incinerator plant for the disposal of refuse. These materials would, by way of illustration, but not by limitation, include and be similar to the following: gasoline, fuel oil, kerosene and other petroleum products as well as chemical products, including a large volume of pressurized containers, that would be dangerous to the operation of an incineration process and industrial products that would be hazardous or dangerous to the operation of an incineration process.
- G. "Hazardous Waste" shall mean any household waste material customarily generated by a residential dwelling unit that may be described as ignitable, reactive, corrosive, or toxic or such other materials as defined by the Natural Resources and Environmental Protection Act, being Act 151 of the Public Acts of 1994, as amended, (Act 451), including both wet and dry cell batteries.
- H. "Mixed Waste" shall mean a mixture of solid waste, refuse, rubbish, garbage, brush, building refuse, and recyclable materials, excluding yard waste generated by a residential dwelling unit.
- H. "Owner/Occupant" shall mean, unless the Township is notified in writing to the contrary, the person whose name appears on the most recent tax assessment roll of the Township.
- I. "Person" shall mean any individual, firm, owner, occupant, tenant, corporation, partnership, limited liability company, association or joint venture responsible for the premises.
- J. "Recyclables" shall mean a specific garbage, rubbish or solid waste that is required to be picked up separately for the purpose of recycling. These items shall include, but not be limited to, newspapers, glass containers, metal cans, Type 1 and Type 2 plastics, and household batteries.

- K. "Residential dwelling unit" shall mean a single family home(s), that is not attached to any other dwelling unit, which may be is built on a parcel of land or; in a platted subdivision; excluding dwelling units in a mobile home park, and site condominiums.
- L. "Rubbish" shall mean waste paper, household plastic, empty tin cans and glass containers, if cleaned of contents, wood or wood products of under three (3") inch diameter and three (3') feet in length, paper products, books, magazines, glass, crockery, stone, concrete and similar materials.
- M. "Solid Waste" shall mean putrescible and non-putrescible solid wastes, except body wastes and includes garbage, rubbish, ashes, incinerator ash, incinerator residue, street cleanings, and municipal sludges, but does not include ferrous or non-ferrous scrap directed to a scrap metal processor or to a reuser of ferrous or non-ferrous products.
- N. "Special Collection" shall mean any collection of refuse at a time other than the regularly scheduled once per week collection, or of a volume or quantity of refuse exceeding the limitations of this Ordinance whether requested by an owner or occupant or done by the Township to eliminate a violation of Township Ordinances.
- O. "Supervisor" shall mean the Supervisor of the Township of Macomb or his/her duly appointed agent or representative.
 - P. "Township" shall mean the Township of Macomb.
- Q. "Yard Waste" shall mean materials resulting from landscaping for collection for composting. Residential grass clippings, leaves, weeds, twigs, pruning, shrub clippings, garden waste, old potting soil and dirt incidental to minor yard work.

SECTION 5. PROHIBITED CONDUCT

The owner/occupant of a residential dwelling unit shall not dispose of any mixed waste recyclables or yard waste generated from a residential dwelling unit within the Township other than by means of the designated waste hauler awarded the contract by the Township for such purpose.

No person except the designated waste hauler shall engage in the business of collection, transporting, delivery or disposal of mixed waste, or recyclables or yard waste generated by a residential dwelling unit with the Township.

It shall be unlawful for any person, or the owner, occupant, tenant or lessee of any residential dwelling unit within the Township to dispose of or attempt to dispose of refuse in contravention to this Ordinance.

It shall be unlawful to mix refuse in any container with construction debris, commercial refuse, hazardous waste, non-burnable materials or with hazardous and flammable materials.

SECTION 6. SERVICES PROVIDED

The Township through its designated waster hauler, will provide the curb side collection of mixed refuse, recyclables, and yard waste. Additionally, one day per year will be designated for the disposal of hazardous waste.

SECTION 7. EXISTING CONTRACTS

If a contract with the company other than the designated waste hauler was in

existence on or before April 1, 2007, for the collection and disposal of refuse from residential dwelling units, delivery of solid waste from such residential dwelling units to the company specified in the contract may be continued for the duration of the contract; however, such contract shall be subject to verification by the Township.

The provisions of this ordinance shall not prohibit the placement of mixed waste, yard waste or recyclables for collection by a person or company other than the designated waste hauler, if such person or company is providing collection services pursuant to a collection contract existing prior to April 1, 2007, between said person or company and the owner and occupant of a residential dwelling unit.

SECTION 8. CONTAINMENT OF REFUSE

The Township, through its designated waste hauler, will provide containers for the storage of mixed refuse and recyclables, and yard waste for curb side pick up and disposal, which containers shall be used by the occupant/owners of residential dwelling units.

All such containers shall be tightly secured by a watertight top and plastic bag containers shall be securely tied, in such manner as to prevent the contents from being spilled, blown, strewn, or damaged by the forces of nature, animals, insects or persons. Waste haulers shall not remove from the premises any refuse not properly located and secured as provided in this Ordinance.

The maximum weight of any container when filled with mixed refuse and located for pick-up shall be forty (40) pounds, including the weight of the container. Containers shall be maintained in good condition without holes or cracks and shall be of a durable quality for the purpose intended.

All refuse containing sharp objects such as broken glass, can lids and similar materials which are to be enclosed in plastics bags permitted under this Ordinance shall be first placed within another container or otherwise sufficiently wrapped in a manner to prevent injury to the waste hauler which would otherwise result from such objects protruding or cutting through plastic rubbish bags.

MOTION carried.

15. Proposed Amendments to Zoning Ordinance No 10; To amend the Definitions Article to add paragraphs regarding Wireless Telecommunications Facilities, Telecommunication Structures and Telecommunication Towers; to add Article XXVI to regulate Wireless Communications Systems; and to amend Section 10.0312, which deals with the Exceptions to Yard and Lot Area Requirements.

MOTION by KOEHS seconded by BUCCI to approve the additions and amendments to Ordinance No. 10 as follows:

Township Of Macomb
Macomb County, Michigan
Ordinance No. 10-33
Amendments of the Township of Macomb
Zoning Ordinance

An ordinance amending the Township of Macomb Zoning Ordinance, being Ordinance No. 10 of the Macomb Township Ordinances, as amended, THE TOWNSHIP BOARD OF THE TOWNSHIP OF MACOMB, COUNTY OF MACOMB, MICHIGAN ORDAINS:

Section 1. AMENDMENTS

The Zoning Ordinance for the Township of Macomb, being Ordinance No. 10 of the Township of Macomb Ordinances, is hereby further amended as follows:

ARTICLE II, DEFINITIONS, SECTION 10.0202 shall be amended to add the following:

Wireless Telecommunications Facility- An area of land defined by a legal description that may be a stand-alone parcel or a part of a parcel that is used to service or operate a Telecommunications Tower as defined herein. Said wireless telecommunications facility will consist of the telecommunications tower, the telecommunications structure as defined herein, and other infrastructure including service drives, any public utilities serving the wireless telecommunications facility, parking and spaces, fencing and landscaping as required and regulated by the Zoning Ordinance.

Telecommunication Structure- A fixed in place enclosure on a parcel used exclusively to house equipment for and to service a wireless telecommunications tower and antenna(s) regulated under the Federal Telecommunication Act of 1996. Said enclosure may be a cabinet or vault or a grouping of cabinets/vaults, or one building containing said cabinet/vault or cabinets/vaults located on the parcel containing the wireless telecommunications tower to be regulated under the provisions of this Zoning Ordinance. All cabinets/vaults placed within the wireless telecommunications facility including collators must be enclosed within one building on the wireless telecommunications facility including any meters, generators, or other equipment necessary to service the wireless telecommunications facility. Telecommunication Tower- A structure or part of a structure fixed on a wireless telecommunications facility as defined herein used exclusively to provide wireless communication authorized and regulated by the Federal Telecommunications Act of 1996. Said tower may be freestanding or attached to an existing tower or another structure including a public utility tower or pole.

ARTICLE XXVI, SECTION 10.2600 shall be added as follows:

Section 10.2601 Intent.

It is the general purpose and intent of the "Township of Macomb" to carry out the will of the United States Congress by authorizing communication facilities needed to operate wireless communication systems. However, it is the further purpose and intent of the "Township of Macomb" to provide for such authorization in a manner which will retain the integrity of neighborhoods and the character, property values, and aesthetic quality of the community at large. In fashioning and administering the provisions of this section, an attempt has been made to balance these potentially competing interests.

Recognizing the number of providers authorized to establish and operate wireless communication services and coverage, it is the further purpose and intent of this section to:

- A. Facilitate adequate and efficient provision of sites for wireless communication facilities.
- B. Establish predetermined districts or zones of a number, shape, and in the location considered best for the establishment of wireless communication facilities, subject to applicable standards and conditions.
- C. Recognize that operation of a wireless communication system may require the establishment of facilities in locations not within the predetermined districts or zones. In such cases, it has been determined that it is likely that there will be greater adverse impacts upon neighborhoods or dense residential areas. Consequently, more stringent standards and conditions should apply to the review, approval, and use of such facilities.
- D. Ensure that wireless communication facilities are situated in appropriate locations to other land uses, structures, and buildings.
- E. Limit inappropriate physical and aesthetic overcrowding of land use activities, avoid adverse impacts to existing population areas, transportation systems, and other public services and facilities.
- F. Promote the public health, safety, and welfare.
- G. Provide for adequate information about plans for wireless communication facilities in order to permit the community to effectively plan for the location of such facilities.
- H. Minimize the adverse impact of technological obsolescence of such facilities, including a requirement to remove unused and/or unnecessary facilities in a timely manner.
- I. Minimize the negative visual impact of wireless communication facilities on neighborhoods, community land marks, historic sites and buildings, natural beauty areas, and public rights-of-way. This includes the establishment of as few structures as reasonably feasible, and the use of structures which are designed for compatibility, including the use of existing structures and the avoidance of lattice structures.
- J. The "Township of Macomb" finds that the presence of numerous tower structures, particularly if located within residential areas, could decrease the attractiveness and destroy the character and integrity of the community. This, in turn, could have an adverse impact upon property values. Therefore, it is necessary to minimize the adverse impacts from the presence of numerous tall tower structures having low, architectural and aesthetic appeal.
- K. Recognize that the absence of regulation would result in a material impediment to the maintenance and promotion of property values.

Section 10.2601 Authorization.

Subject to the standards and conditions set forth in this Ordinance, wireless communication facilities such as Telecommunication Towers as defined herein and

so-called collocations on such Telecommunication Towers shall be permitted uses in all Zoning Districts under the following circumstances:

- A. A telecommunication tower must be located within a wireless telecommunications facility as defined herein.
- B. A telecommunications tower including any collocation(s) and all components included within the wireless telecommunications facility may be erected, altered or used subject to the provisions of this Section and the approval of the Macomb Township Planning Commission and subject to the Special Land Use Permit review procedures at Section 10.2401 of this ordinance.

Section 10.2602 General Regulations

- A. The division of property for the purpose of establishing the wireless telecommunications facility must be in accordance with the Township Land Division Ordinance and approved by the Township Assessor.
- B. A wireless telecommunications facility shall be of a design which is compatible with the existing character of the proposed site, neighborhood and general area, as approved by the Planning Commission.
- C. In all Zoning Districts the support system for the telecommunications tower shall be constructed in accordance with all applicable building codes and shall include the submission of a soils report from a geotechnical engineer, licensed in the State of Michigan. This soils report shall include soil borings and statements indicating the suitability of soil conditions for the proposed use. The requirements of the Federal Aviation Administration, Federal Communication Commission and the Michigan Aeronautics Commission shall be noted.
- D. In all Zoning Districts a maintenance plan, and any applicable maintenance agreement, shall be presented and approved as part of the site plan for the proposed facility. Such plan shall be designed to ensure the long term, continuous maintenance to a reasonably prudent standard. Evidence of compliance shall be provided by the applicant if requested by the Planning Commission.
- E. There shall be unobstructed access to the wireless telecommunications facility. This access shall have a width and location determined by such factors as: the location of adjacent thoroughfares and traffic and circulation within the site; utilities needed to service the wireless telecommunications facility; proximity to residential districts and minimizing disturbance to the natural landscape; and, the type of equipment which will need to access the wireless telecommunications facility.
- F. In all residential districts the support structure for the tower shall be setback one hundred (100) feet from the nearest lot line of any residential district plus at least the height of the highest point of the tower or attachment thereto unless the tower is part of a Detroit Edison (DTE) right-of-way or easement that is not part of a recorded subdivision.
- G. If the proposed tower is to be located on a wireless telecommunications facility adjoining any residential district the tower must be setback from the nearest lot line of any parcel zoned for residential purposes at least the

- height of the tower or attachment thereto measured from the grade level where the tower is fixed to the ground or the structure to which the tower is attached unless the tower is part of a Detroit Edison (DTE) right-of-way easement that is not part of a recorded subdivision.
- H. Where a telecommunications tower is proposed on the roof of a building and the telecommunication structure is proposed as a roof appliance or penthouse on the building, it shall be designed, constructed, and maintained to be architecturally compatible with the principal building.
- I. In any Residential, AG, CF, or Office Zoning District, or the area regulated by the TND Code, unless otherwise provided, or in any other District where the proposed wireless telecommunications facility would be less than 1,000 feet from any Residential, AG, CF, or Office Zoning District, or the area regulated by the TND Code the tower must be a monopole. Lattice structure is not permitted except for any wireless telecommunications facility to be located as part of an existing DTE tower.
- J. Telecommunication structures shall conform to the following regulations:
 - 1. In all zoning districts there shall be no more than one telecommunication structure permitted per wireless telecommunications facility except as provided below.
 - 2. It shall be the responsibility of the initial occupant of the telecommunications facility to provide space for all future expansion including future co-locations within one building on the telecommunications facility. The telecommunications structure shall be situated on the site so that any additional expansion including co-locators shall be placed within one telecommunications structure or attached to an existing wall of an approved telecommunications structure.
 - 3. Any telecommunications facility existing at the time of the adoption of this ordinance that has an approved building that cannot accommodate additional users may provide equipment for colocation in more than one separate building provided that the building shall be screened from adjoining properties by a masonry wall not to exceed nine (9) feet in height. The wall must enclose the entire footprint for all existing buildings except for openings as required and approved by the Fire Department. The wall may utilize one or more walls of existing telecommunications structure(s) on the site. The building materials for the wall shall be approved by the Planning Commission. The wall shall be aesthetically compatible with the brick commonly used as veneer on houses if adjoining a residential area. The enclosure must be designed to simulate a structure when viewed at grade from adjoining properties.
 - 4. In any zoning district if the telecommunication structure is to be part of a principle building on site then said structure shall conform to the minimum building setback for the appropriate zoning district. Further, all elements of that telecommunication structure shall be

- made an integral part of the principle building and maintained to be architecturally compatible with the principal building.
- 5. In any Residential, AG, CF, or Office Zoning District, or the area regulated by the TND Code, unless otherwise provided for no wireless telecommunications facility may be located closer than 1,000 feet of another wireless telecommunications facility in any other district.
- 6. In any Residential, AG, CF, or Office Zoning District, or the area regulated by the TND Code, unless otherwise provided for the wireless telecommunications facility must be further regulated as follows:
 - a) The telecommunication structure shall be constructed with brick face.
 - b) The maximum height of said structure shall be 12 feet. The roof line, pitch and construction materials shall be approved by the Planning Commission. The Planning Commission may approve a building with an exterior service other than brick or with a height greater than 12 feet if the applicant can demonstrate that variations will cause the building to be more aesthetically compatible with the surrounding residential area.
 - c) The wireless telecommunications facility shall be screened on all sides that face or adjoin any Residential, AG, CF, or Office Zoning District, or the area regulated by the TND Code with an eight feet greenbelt as defined in Section 10.0202 of the Zoning Ordinance.
- 7. In any Commercial, Warehouse, Industrial, or Special Land Development District unless otherwise provided for the wireless telecommunications facility must be further regulated as follows:
 - a) The structure may be constructed with pre-fit steel or stone panel.
 - b) The wireless telecommunications facility shall be screened on all sides that face or adjoin any Residential, AG, CF, or Office Zoning District, or the area regulated by the TND Code with Code with an eight feet greenbelt as defined in Section 10.0202 of the zoning ordinance.

Section 10.2603 Application Requirements

- A. A site plan prepared in accordance with Section 10.2402 shall be submitted showing the location, size, screening and design of all buildings and structures within the wireless telecommunications facility including fences.
- B. If the wireless telecommunications facility is NOT a separate standalone parcel that complies with all site limitations requirements of the applicable Zoning District then the site plan must clearly illustrate how the wireless telecommunications facility will inter-relate with the parent parcel or any other parcels or recorded easement upon which the wireless telecommunications facility must depend for access to the public street to service said wireless telecommunications facility.

Further, a site plan must also be submitted for the parent parcel upon which the wireless telecommunications facility is to be located and shall be reviewed as either a Revised Site Plan separate from or considered as a new stand-alone site plan.

- C. In all cases, the site plan shall indicate fencing which is required for the protection of the support structure and security from children and other persons who may otherwise access facilities.
- D. The application shall include a description of the types of security to be posted at the time of receiving a building permit to ensure removal of the facility when it has been abandoned or is no longer needed, as provided in Sec. 10.2605 Removal, below. In this regard, the security shall, at the election of the applicant, be in the agreement in a form approved by the Macomb Township attorney and recordable at the office of the Register of Deeds, establishing a promise of the applicant and owner of the property to timely remove the facility as required under this section of the ordinance, with the further provision that the applicant and owner shall be responsible for the payment of any costs and attorneys fees incurred by the Township of Macomb in securing removal.
- E. The application and site plan shall include the name, address and phone number of the person to contact for engineering, maintenance and other notification purposes. It shall be the obligation of the applicant to notify the Township Clerk in order to update this information when appropriate.

Section 10.2604 Collocation

- A. It is the policy of the Township of Macomb to minimize the overall number of newly established locations for wireless communication facilities and wireless communication support structures within the Township, consistent with the statement of purpose and intent, set forth in this Article B. Collocation shall be deemed to be feasible for purposes of this section where all of the following are met:
 - 1. The site on which collocation is being considered is able to provide structural support.
 - 2. The height of the structure necessary of collocation will not be increased beyond the point deemed to be permissible by the Township of Macomb, taking into consideration the standards set forth in this Ordinance.
- B. Collocation shall be permitted subject to the review the approval of the Macomb Township Planning Commission and subject to the Special Land Use Permit review procedures at Section 10.2401 of this ordinance.

Section 10.2605 Removal

A. The "Township of Macomb" reserves the right to request evidence of ongoing operation at any time after the construction of an approved tower.

- B. A condition of every approval of a wireless communication facility shall be adequate provision for removal of all or part of the facility by users and owners upon the occurrence of one or more of the following events:
 - (1) When the facility has not been used for one hundred eighty (180) days or more. For purposes of this section, the removal of antennas or other equipment from the facility, or the cessation of operations (transmission and/or reception of radio signals) shall be considered as the beginning of a period of nonuse.
 - (2) Six (6) months after new technology is available at reasonable cost as determined by the municipal legislative body, which permits the operation of the communication system without the requirement of the support structure.
- C. The situations in which removal of a facility is required may be applied and limited to portions of a facility.
- D. Upon the occurrence of one (1) or more of the events requiring removal, the property owner or persons who had used the facility shall immediately apply or secure the application for any required demolition or removal permits, and immediately proceed with and complete the demolition/removal, restoring the premises to an acceptable condition as reasonably determined by the Zoning Administrator.
- E. If the required removal of a facility or a portion thereof has not been lawfully completed within sixty (60) days of the applicable deadline, and after at least thirty (30) days written notice, the "Township of Macomb" may remove or secure the removal of the facility or required portions thereof, with its actual cost and reasonable administrative charge to be drawn or collected from the security posted at the time application was made for establishing the facility.

Section 2. SEVERABILITY

If any section, paragraph, clause or provision of this Ordinance are for any reason held invalid or unconstitutional, the invalidity or unconstitutionality of such section, paragraph, clause or provision shall not effect any of the remaining provisions of this Ordinance.

Section 3. PUBLICATION

A true copy of this Ordinance or summary thereof shall be published in the Macomb Daily, a newspaper of general circulation in the Township of Macomb within fifteen (15) days after its adoption.

Section 4. EFFECTIVE DATE

This Ordinance shall take effect seven (7) days after publication.

Section 5. CERTIFICATION

I hereby certify that the foregoing constitutes a true and complete copy of an Ordinance duly adopted by the Township Board of Macomb Township, Macomb County, Michigan at a meeting held on the 27 day of November, 2006, by the following vote of the members thereof:

MOTION carried.

MOTION by KRZEMINSKI seconded by KOEHS to approve the amendment to Ordinance No. 10 as follows:

Township Of Macomb
Macomb County, Michigan
Amendment No. 10-34
Township of Macomb Zoning Ordinance No. 10

An ordinance amending the Township of Macomb Zoning Ordinance, being Ordinance No. 10 of the Macomb Township Ordinances, as amended, THE TOWNSHIP BOARD OF THE TOWNSHIP OF MACOMB, COUNTY OF MACOMB, MICHIGAN ORDAINS:

Section 1. AMENDMENTS

The Zoning Ordinance for the Township of Macomb, being Ordinance No. 10 of the Township of Macomb Ordinances, is hereby further amended as follows:

ARTICLE III General Provisions shall be amended to read as follows:

Sec. 10.0312. Exception to yard and lot area requirement.

Projections into yards. In all zoning district, architectural features such as, but not limited to window sills, cornices, eaves, bay windows, may extend or project into a required side yard not more than two (2) feet, and may extend or project into a required front or rear yard not more than three (3) feet. The front, side and rear yard projections shall further be limited to two (2) such projections per side elevation with a maximum of ten (10) feet in length for each projection. However, a projection may be permitted into a side or rear yard, exceeding ten (10) feet in length, provided that any such projection shall be limited to sixteen (16) in length and would be further limited to one (1) projection per side or rear yard.

Section 2. <u>SEVERABILITY</u>

If any section, paragraph, clause or provision of this Ordinance is for any reason held invalid or unconstitutional, the invalidity or unconstitutionality of such section, paragraph, clause or provision shall not effect any of the remaining provisions of this Ordinance.

Section 3. PUBLICATION

A true copy of this Ordinance or summary thereof shall be published in the Macomb Daily, a newspaper of general circulation in the Township of Macomb within fifteen (15) days after its adoption.

Section 4. EFFECTIVE DATE

This Ordinance shall take effect seven (7) days after publication.

Section 5. CERTIFICATION

I hereby certify that the foregoing constitutes a true and complete copy of an Ordinance duly adopted by the Township Board of Macomb Township, Macomb County, Michigan at a meeting held on the 27 day of November, 2006, by the following vote of the members thereof:

MOTION carried.

WATER AND SEWER DEPARTMENT

16. DEQ Annual Community Public Water Supply Fee.

Supervisor BRENNAN reviewed this item and stated that this is an annual fee that communities must pay. He further stated his recommendation for approval.

MOTION by BUCCI seconded by MALBURG to approve payment of the DEQ Annual Community Public Water Supply Fee. **MOTION carried.**

17. Accurate Answering Service Contract

Supervisor BRENNAN reviewed this item and indicated that this is the company that Water & Sewer has been using for a long time to monitor their after hours hotline. He further stated his recommendation for approval.

MOTION by KRZEMINSKI seconded by DUNN to approve the contract with Accurate Answering Service as presented.

MOTION carried.

18. **Purchase Requisition** – Macomb County Technical Services – Antenna Repair.

Supervisor BRENNAN reviewed this item and stated that these were necessary repairs and he further stated his recommendation for approval.

MOTION by DUNN seconded by NEVERS to approve payment of the purchase requisition for Macomb County Technical Services for Antenna Repairs in the amount of three thousand four hundred dollars (\$3,400.00).

MOTION carried.

BOARD COMMENTS

- 19. Supervisor Comments:
 - A. Right of Way Dedication for 21 Mile Road.

Supervisor BRENNAN reviewed this item and stated the County Road Commission was requesting this dedication as part of the widening project of Romeo Plank Road from Hall Road to north of 21 Mile Road. He further stated his recommendation for approval.

MOTION by DUNN seconded by NEVERS to approve the Right of Way dedication along 21 Mile Road as proposed.

MOTION carried.

B. Request for Spalding DeDecker Associates to do work for the Archdiocese of Detroit in Macomb Township.

Supervisor BRENNAN reviewed this item and stated his recommendation for approval. Mr. James VanTiflin, Engineer from Spalding, DeDecker Associates was also present to answer any questions.

MOTION by DUNN seconded by MALBURG to approve the request for Spalding DeDecker Associates to do work for the Archdiocese of Detroit in Macomb Township.

MOTION carried.

C. **FMLA Leave Request** – Captain David Koss, MTFD.

Supervisor BRENNAN reviewed this item and stated his recommendation for approval.

MOTION by KRZEMINSKI seconded by BUCCI to approve the request for a FMLA Leave of Absence for Captain David Koss starting on November 13, 2006 and lasting no longer than one year.

MOTION carried.

D. Request for a Personal Leave of Absence

Supervisor BRENNAN reviewed this request from the Human Resource Department on behalf of FF Tietz and stated his recommendation for denial, as the request does

not meet the requirements for the Collective Bargaining Agreement according to the Human Resource Director.

MOTION by NEVERS seconded by MALBURG to deny the request for a Personal Leave of Absence for FF Tietz.

MOTION carried.

E. Request to set Tax Collection fee.

Supervisor BRENNAN reviewed this item and indicated that the Township has in the past approved a three dollar (\$3.00) fee per parcel for the Treasurer's office to collect the Summer Taxes. He stated his recommendation for approval of setting the fee again to three dollars (\$3.00) per parcel.

MOTION by KRZEMINSKI seconded by BUCCI to set the fee for collection of Summer Taxes at three dollars (\$3.00) per parcel.

MOTION carried.

20. Clerk Comments: None

21. Treasurer Comments: None

22. Trustees Comments: None

EXECUTIVE SESSION

MOTION by KOEHS seconded by KRZEMINSKI to adjourn to Executive Session at 7:51 p.m.

MOTION carried.

The Board returned from Executive Session at 8:02 p.m.

23. Easement Acquisition (Aragona)

MOTION by KOEHS seconded by DUNN to authorize Legal Counsel to initiate condemnation proceedings regarding the Aragona Easement on 23 Mile Road.

MOTION carried.

24. Easement Acquisition (Cavaliere)

MOTION by KOEHS seconded by BUCCI to authorize Legal Counsel to initiate condemnation proceedings regarding the Cavaliere Easement on 23 Mile Road.

MOTION carried.

25. Grand Rental Properties, LLC v Macomb Township (Returned for review from November 8, 2006 meeting)

MOTION by KOEHS seconded by DUNN to authorize the Supervisor and Legal Counsel to sign the Consent Judgment.

MOTION carried.

ADJOURNMENT

MOTION by BUCCI seconded by MALBURG to adjourn the Board meeting at 8:04 p.m.

MOTION carried.

MOTION Carried.
Respectfully submitted,
John D. Brennan Macomb Township Supervisor
Michael D. Koehs, CMC Macomb Township Clerk